

United States District Court

EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

WANDA L. BOWLING

v.

LESTER JOHN DAHLHEIMER, JR., ET
AL.

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Civil Action No. 4:18-CV-610

(Judge Mazzant/Judge Nowak)

MEMORANDUM ADOPTING REPORT AND RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE

Came on for consideration the reports of the United States Magistrate Judge in this action, this matter having been heretofore referred to the Magistrate Judge pursuant to 28 U.S.C. § 636. On August 6, 2020, the report of the Magistrate Judge (Dkt. #173) was entered containing proposed findings of fact and recommendations that Defendants District Attorney Greg Willis, Paulette Mueller, and Lester John Dahlheimer, Jr.'s Motions for Entry of Final Judgment (Dkts. #162; #163; #164) be granted and the Court enter partial final judgment as to these Defendants. On August 12, 2020, a second report of the Magistrate Judge (Dkt. #174) was entered containing proposed findings of fact and recommendations that: Plaintiff Wanda L. Bowling's Motion for Leave (Dkt. #142) be granted; Plaintiff's Second Amended Complaint (Dkt. #143) be deemed properly before the Court "only to the extent that it alleges claims and factual bases against those Defendants Penfold, Dahlheimer, Sr. and Childress-Herres whom have not already been dismissed from this suit"; Defendant Craig A. Penfold's Motion to Dismiss (Dkt. #157) and Supplement to His Motion to Dismiss (Dkt. #169) each be granted; and Plaintiff's remaining claims in this suit be dismissed without prejudice. Plaintiff's received electronic notice of each of the aforementioned reports (Dkt. #47; *see* docket generally).

Having received the reports of the United States Magistrate Judge, and no objections thereto having been timely filed, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge's reports as the findings and conclusions of the Court. Because with this Memorandum Adopting the Court has now dismissed all parties and claims in this suit, the Court will separately enter a final judgment as to all parties.

It is therefore **ORDERED** that Defendants District Attorney Greg Willis, Paulette Mueller, and Lester John Dahlheimer, Jr.'s Motions for Entry of Final Judgment (Dkts. #162; #163; #164) are **GRANTED**.

It is further **ORDERED** that Plaintiff Wanda L. Bowling's Motion for Leave (Dkt. #142) is granted. Plaintiff's Second Amended Complaint (Dkt. #143) is deemed properly before the Court only to the extent that it alleges claims and factual bases against those Defendants Penfold, Dahlheimer, Sr. and Childress-Herres whom have not already been dismissed from this suit.

It is further **ORDERED** Defendant Craig A. Penfold's Motion to Dismiss (Dkt. #157) and Supplement to His Motion to Dismiss (Dkt. #169) are each **GRANTED**.

It is finally **ORDERED** that Plaintiff's claims against Defendants Craig A. Penfold, Lester John Dahlheimer, Sr., and Rhonda Childress-Herres are **DISMISSED WITHOUT PREJUDICE**.

IT IS SO ORDERED.

SIGNED this 8th day of September, 2020.


AMOS L. MAZZANT
UNITED STATES DISTRICT JUDGE